

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:09-CV-387-RJC-DCK**

**U.S. COMMODITY FUTURES TRADING  
COMMISSION,**

**Plaintiff,**

**v.**

**CAPITAL STREET FINANCIAL LLC, and  
SEAN F. MESCALL,**

**Defendants, and**

**GERALD T. MESCALL, and  
GAINCAPITAL, INC.,**

**Relief Defendants.**

**ORDER**

**THIS MATTER IS BEFORE THE COURT** on the “Fourth Motion For Compensation To Grier Furr & Crisp, P.A., Attorneys For Temporary Receiver” (Document No. 53) filed on May 27, 2010. The motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b), and is ripe for disposition. Having fully considered the record, including the motion and itemized list of services, the undersigned finds as follows:

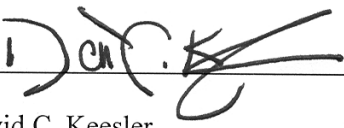
This Court appointed Joseph W. Grier, III, as Receiver for the assets of CapitalStreet Financial, LLC, Sean Mescall, Gerald Mescall, and Gaincapital, Inc. on September 16, 2009. (Document No. 14). The Receiver is authorized to “[c]hoose, engage and employ attorneys, accountants, appraisers, and other independent contractors and technical specialists, as the Receiver deems advisable or necessary in the performance of his duties and responsibilities.” (Document No. 14, ¶ 29(I)). Grier Furr & Crisp, PA has rendered valuable services to the Receiver during this civil

proceeding. The reasonable value of the services, as set forth in the itemized list attached to the motion, is \$11,392.00. (Document No. 53, Exhibit A). Grier Furr & Crisp, PA has also incurred expenses in the amount of \$258.92, and therefore seeks total fees and disbursements of \$11,650.92. Id.

The Receiver served a “Notice Of Fourth Motion For Compensation To Grier, Furr & Crisp, PA., Attorneys For Temporary Receiver” upon the parties as required by law. (Document No. 53-1). The Notice required that responses to the motion be filed with the Court on or before **June 28, 2010**. No responses to the pending motion have been filed.

**IT IS, THEREFORE, ORDERED** that “Fourth Motion For Compensation To Grier Furr & Crisp, P.A., Attorneys For Temporary Receiver” (Document No. 53) is **GRANTED**.

Signed: June 30, 2010

  
\_\_\_\_\_  
David C. Keesler  
United States Magistrate Judge

